

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45742-2023 (O&M)
Date of Decision:20.10.2023

Manpreet Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Sandeep S.Majithia, Advocate, for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.103 dated 07.05.2019, under Sections 307, 353, 186, 224, 225, 34, 379-B and 120-B IPC and Sections 25/27 of Arms Act (Section 411 added later on), registered at Police Station City Kapurthala.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 4 years, 5 months and 10 days and in the present case even the charges have been framed. He further submitted that the allegations against the petitioner were that the petitioner alongwith some other accused had come to the hospital and one of the accused persons had fired in the air for the purpose of rescuing one of the prisoners who managed to flee from the custody of the police and no injury was caused to anybody because the shot was fired in the air. He further submitted that so far as the role of the petitioner is concerned, he was one of those persons who were present there

and out of them one of the co-accused namely, Vishal Singh has been extended the benefit of bail by a Co-ordinate Bench of this Court on 21.11.2019 in CRM-M-42723-2019. He further submitted that although the petitioner is not exactly at parity with the aforesaid co-accused because as per the prosecution the aforesaid co-accused was not present but so far as the present petitioner is concerned, his presence is also doubtful and even otherwise also the petitioner is in custody for 4 years, 5 months and 10 days and the charges have not been framed till date and therefore, the present successive bail petition filed by the petitioner is maintainable and he may be considered for the grant of regular bail.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is not in dispute and it is also correct that the charges have not been framed in the present case. He has however submitted that the allegations against the petitioner are serious in nature because he was also instrumental in getting one of the accused who managed to flee from the police custody in a hospital and the petitioner was arrested on the spot. He further submitted that the petitioner is involved in five more cases.

4. I have heard the learned counsel for the parties.

5. The petitioner has already faced incarceration for 4 years, 5 months and 10 days and in the present case even the charges have not been framed till date as per the learned counsel for the parties. The allegations against the petitioner were that he was instrumental in getting one of the accused who was in custody when he was taken to a hospital. However considering the long custody of the petitioner and also the fact that even till date charges have not been framed, this Court deems it fit and proper to

grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

20.10.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No